

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

1 2 3 4 5 6 7 8 9)))))))))	Case No.: COMPLAINT FOR DAMAGES JURY TRIAL DEMANDED
LOUISE FORTE,		
Plaintiff,		
v.		
GENERAL MOTORS FINANCIAL		
COMPANY, INC.,		
Defendant.		

COMPLAINT

LOUISE FORTE (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against GENERAL MOTORS FINANCIAL COMPANY, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. § 227, et. seq. (“TCPA”).

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant conducts business in the Commonwealth of Pennsylvania and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Allenwood, Pennsylvania 17810.

6. Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153(39).

7. Defendant is a corporation with its principal place of business located at 801 Cherry Street, Suite 3500, Fort Worth, Texas 76102.

8. Defendant is a “person” as that term is defined by 47 U.S.C. § 153(39).

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Plaintiff has a cellular telephone number.

11. Plaintiff has only used this number as a cellular telephone number.

12. Defendant called Plaintiff on her cellular phone on a repetitive and continuous basis.

13. When contacting Plaintiff on her cellular telephone, Defendant used an automatic telephone dialing system and automatic and/or pre-recorded messages.

14. Plaintiff knew Defendant was calling her using an automatic telephone dialing system and automatic and/or pre-recorded messages as she received calls from Defendant that began with a delay or pause prior to a live representative of Defendant coming on the line.

15. Defendant’s telephone calls were not made for “emergency purposes.”

16. Desiring to stop these repeated, unwanted calls, Plaintiff spoke to Defendant soon after the calls began and revoked any previous consent that Defendant had to contact her.

1 17. Once Defendant was aware that its calls were unwanted and was told to stop
2 calling, there was no lawful purpose to making further calls, nor was there any good faith reason
3 to place calls.

4 18. In spite of her instruction to stop calling her cellular telephone, Defendant instead
5 continued to call her repeatedly.

6 19. Plaintiff found Defendant's calls to be upsetting, aggravating, disruptive and
7 intrusive to her.

8 20. Upon information and belief, Defendant conducts business in a manner which
9 violates the Telephone Consumer Protection Act.
10

11
12 **COUNT I**
13 **DEFENDANT VIOLATED THE**
14 **TELEPHONE CONSUMER PROTECTION ACT**

15 21. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at
16 length herein.

17 22. Defendant initiated multiple automated telephone calls to Plaintiff's cellular
18 telephone using an automated message and/or prerecorded voice.

19 23. Defendant initiated automated calls to Plaintiff using an automatic telephone
20 dialing system.

21 24. Defendant's calls to Plaintiff were not made for "emergency purposes."

22 25. Defendant's calls to Plaintiff within the four year period preceding the filing of
23 this Complaint were made after Plaintiff had explicitly revoked any consent that was previously
24 given.

1 26. Defendant's acts as described above were done with malicious, intentional,
2 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
3 purpose of harassing Plaintiff.

4 27. The acts and/or omissions of Defendant were done unfairly, unlawfully,
5 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense,
6 legal justification or legal excuse.

7 28. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
8 and damages as set forth above entitling Plaintiff to an award of statutory, actual and treble
9 damages.
10

11
12 WHEREFORE, Plaintiff, LOUISE FORTE, respectfully prays for a judgment as follows:

- 13 a. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);
14 b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
15 U.S.C. §227(b)(3)(B);
16 c. Treble damages of \$1,500 per violative telephone call pursuant to 47
17 U.S.C. §227(b)(3);
18 d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and
19 e. Any other relief deemed appropriate by this Honorable Court.
20

21
22 **DEMAND FOR JURY TRIAL**

23 PLEASE TAKE NOTICE that Plaintiff, LOUISE FORTE, demands a jury trial in this
24 case.
25
26
27
28

Respectfully submitted,

DATED: May 22, 2020

By: /s/ Amy L. Bennecoff Ginsburg
Amy L. Bennecoff Ginsburg, Esq.
Kimmel & Silverman, P.C.
30 East Butler Pike
Ambler, PA 19002
Telephone: (215) 540-8888
Facsimile (215) 540-8817
Email: teamkimmel@creditlaw.com
Attorney for Plaintiff